

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KARO SARKIS MIKAELIAN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:06CV1762 FRB
)	
MICHAEL CHERTOFF, Secretary of)	
the Department of Homeland)	
Security, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Presently pending before the Court is defendants' Motion to Dismiss (Docket No. 5). All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

Plaintiff Karo Sarkis Mikaelian brought this mandamus action in December 2006 requesting that defendants be compelled to render final adjudication on his Application for Naturalization and that he be administered the Oath of Citizenship. On March 13, 2007, defendants moved to dismiss the instant cause of action averring that plaintiff's application was approved in February 2007 and that he is currently being processed for the Naturalization Ceremony at which he will take his Oath of Citizenship. Defendants have submitted the declaration of Chester S. Moyer, Officer in Charge of the St. Louis, Missouri Office for the United States Citizenship and Immigration Services of the Department of Homeland

Security, declaring to such facts. Defendants contend that this litigation is now moot inasmuch as plaintiff has obtained the relief requested and thus request that the matter be dismissed as moot, with costs awarded to plaintiff. Plaintiff did not respond to the motion.

In view of the information presented to the Court on the instant motion and the absence of any response thereto, on April 3, 2007, the Court ordered plaintiff to show cause not later than April 13, 2007, why the defendants' Motion to Dismiss should not be granted. A review of the file shows plaintiff not to have responded to this Order, nor has plaintiff requested additional time to so respond. In addition, plaintiff has continued to fail to respond to defendants' Motion to Dismiss.

"It has long been settled that a federal court has no authority 'to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it.'" Church of Scientology of Cal. v. United States, 506 U.S. 9, 12 (1992) (quoting Mills v. Green, 159 U.S. 651, 653 (1895)). For that reason, when an event occurs making a court's decision on an issue unnecessary, or makes the granting of effectual relief impossible, the issue is moot and should not be addressed. Id.

On the information before the Court, it appears that plaintiff has obtained the relief sought in this action. As such,

this Court's decision on the issues raised is unnecessary and the cause is now moot. The matter therefore should be dismissed.

Accordingly,

IT IS HEREBY ORDERED that defendants' Motion to Dismiss (Docket No. 5) is granted.

IT IS FURTHER ORDERED that this cause is hereby dismissed with prejudice as moot. Costs shall be awarded to plaintiff.


UNITED STATES MAGISTRATE JUDGE

Dated this 18th day of April, 2007.